

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WOODROW COURT, INC.,

Civil Action No:

Plaintiff-Respondent,
-against-

NOTICE OF REMOVAL

LIBERTY MUTUAL INSURANCE COMPANY
and NILSA FIGUEROA,

Defendants-Petitioners.
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M A D A M S / S I R S:

Defendant-petitioner LIBERTY MUTUAL INSURANCE COMPANY

("Liberty Mutual"), by its attorneys, JAFFE & ASHER LLP, respectfully alleges as follows:

1. On or about September 2, 2016, Liberty Mutual was first served with a copy of the Summons and Complaint in an action entitled Woodrow Court, Inc. v. Liberty Mutual Insurance Company, and Nilsa Figueroa, Index No. 654573/2016, which was filed on August 30, 2016 in the Supreme Court of the State of New York, County of New York.

2. The Complaint asserts three causes of action, alleging breach of contract and breach of covenant of good faith and fair dealing/bad faith under a liability insurance policy. Woodrow Court, Inc. ("Woodrow") seeks additional insured coverage for a personal injury underlying action entitled Nilsa Figueroa v. Woodrow Court, Inc., Index No, 400551/2012, which was brought in the Supreme Court of the State of New York, New York County (the "Underlying Action"). A copy of the Summons and Complaint filed by Woodrow Court is annexed hereto as Exhibit "1".

3. On September 14, 2016, Woodrow filed a copy of the Acknowledgement of Service on Liberty Mutual. A copy of said document is annexed hereto as Exhibit "2".

4. The Notice of Removal is being filed by Liberty Mutual in the United States District Court for the Southern District of New York within thirty (30) days of the receipt of the Summons and Complaint and is timely filed pursuant to 28 U.S.C. §§1441 and 1446.

5. Liberty Mutual's time to respond to the Summons and Complaint has not expired.

6. This Court has diversity jurisdiction over this civil action pursuant to 28 U.S.C. §1332; the amount in controversy exceeds \$75,000.00 and plaintiff and defendant Liberty Mutual are citizens of different states.

7. Upon information and belief, at all relevant times, plaintiff-respondent Woodrow was, and still is, a corporation organized pursuant to the laws of the State of New York, with its principal place of business at 622 Third Avenue, 14th Floor, New York, New York 10017.

8. At all relevant times, Liberty Mutual was, and still is, a stock insurance company organized pursuant to the laws of the State of Massachusetts, with its principal place of business located at 175 Berkley Street, Boston, Massachusetts.

9. There is no claim asserted against Nilsa Figueroa ("Figueroa").

10. Figueroa is a nominal defendant or is a defendant fraudulently joined, whose citizenship does not have to be considered for diversity jurisdiction purposes.

11. Written notice of the filing of the Notice of Removal shall be given to adverse parties, and Liberty Mutual shall file the notice with the Clerk of the Supreme Court of the State of New York, County of New York, as required by law.

12. Liberty Mutual has not answered, moved or otherwise responded to the Summons and Complaint, and no other proceedings have occurred heretofore in this action.

13. No previous application for the relief requested herein has heretofore been made.

WHEREFORE, defendant-petitioner LIBERTY MUTUAL INSURANCE COMPANY respectfully request that this action be removed to this Court.

Dated: New York, New York
September 26, 2016

Yours, etc.,

JAFFE & ASHER LLP

By: 

Marshall T. Potashner, Esq.

Attorneys for Defendant
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